fyi.
Don

From: Maria Silvers <maria.silvers@gmail.com>
Sent: Monday, June 30, 2014 11:15 PM
To: Don Gerend
Subject: Re: Homeless encampment ordinance

Dear Mr. Gerend,

Thank you so very much for your reply. I am really encouraged to hear you would be in support of a 4 month duration of stay, and I hope you might also consider some easing of the proposed once per 18 months limit on each church as well as the once per year limit for the whole of the city.

I completely agree that the religious community of Sammamish has the charge and responsibility to come together and develop a comprehensive plan for hosting these encampments, as well as identifying and working towards more permanent solutions to the issue of homelessness. As an MQP parishioner, advocating for, and acting on, long term solutions is as much an obligation of my religious faith as feeding and housing of those in need. I will most definitely be a part of that.

Many thanks for all that you do and for your dedication and service to the city. Happy 4th!

Maria Silvers

On Mon, Jun 30, 2014 at 10:50 PM, Don Gerend <dgerend@sammamish.us> wrote:

Dear Ms. Silvers,

Thank you for your thoughtful discussion of the proposed ordinance regulating homeless tent encampments within the City of Sammamish.

I personally would support a maximum duration of 4 months for a tent encampment in Sammamish; that would make it the longest on the Eastside. I would also encourage the faith community to work with the encampment organizers to create a calendar of future locations, as well as working towards more permanent housing concepts.
Best regards,

Don Gerend, Councilmember
City of Sammamish

From: Maria Silvers <maria.silvers@gmail.com>
Sent: Monday, June 30, 2014 10:20 PM
To: Don Gerend
Subject: Homeless encampment ordinance

July 1, 2014

Dear Council Member Gerend,

In response to the most recent version of the proposed ordinances regulating homeless tent encampments within the City of Sammamish, dated July 1 and posted the end of June on the Sammamish website, I respectfully submit the following observations.

I submitted a recommendation at the March 19, 2014 public hearing before the Sammamish Planning Commission, asking that the city collate and evaluate all data for crime statistics related to Tent City 4 and/or its residents, who had just completed a 3 month stay at Mary, Queen of Peace Catholic Church. At the hearing, Chief Nate Elledge distributed information regarding the number of visits his officers made to the Tent City 4 site, as well as alleged criminal activity that occurred on the Mary, Queen of Peace campus. As the report he provided clearly stated, and Chief Elledge verbally acknowledged, the majority of police visits made to TC4 were self-generated "safety checks" of the site and its residents. What was not provided at the March 19th meeting, and is still not publicly available, was and is any reporting of convictions for criminal activity or any data regarding criminal activity committed by TC4 residents off the MQP campus. Outside of what could rightly be called their "home", no record is available of any shoplifting, property crime, assault, drug use, child endangerment or other crime, in any of the neighboring areas of the city. Without that data, the City of Sammamish simply has not demonstrated an ability to identify or quantify a threat to public health and safety, let alone the "grave threat to public health and safety" that justifies government regulation sufficiently narrow to pass Washington states' rigorous legal scrutinies protecting religious institutions.

Without this data, the proposed Homeless Encampment ordinance restricting length of stay, and imposing a 12 and 18 month time limit on hosting opportunities within the city, is arbitrary and capricious at best and discriminatory at its worst. These restrictions fall well
outside state and federal regulations regarding absolute protection of religious freedom. As stated in NO DIRECTION HOME: CONSTITUTIONAL LIMITATIONS ON WASHINGTON’S HOMELESS ENCAMPMENT ORDINANCES by Jordan Talge (listed as an exhibit on the City of Sammamish website)

"If a government’s police power action burdens the free exercise of religion, the government must demonstrate that its action serves a “compelling state interest [that] justifies any burden on the free exercise of religion.” The Court has described the compelling interest standard in lofty terms, stating that an interest can be compelling only if it “has a ‘clear justification . . . in the necessities of national or community life’ that prevents a ‘clear and present, grave and immediate’ danger to public health, peace, and welfare.” The Court has refused to find a government interest compelling absent a “grave danger to the public health, peace, or welfare.” Even when government regulations “further cultural and esthetic interests,” the Court will not uphold the regulations unless they “protect public health or safety.” Commentators have identified protection of health and safety as the crucial component of compelling government interests.

It is disheartening that my city, its Planning Commission (evidenced by the Minority Report dated May 13, 2014), Council Members and its attorneys, surely aware of the exhibit posted on the Sammamish website, and the whole of existing federal and state laws restricting local governments' abilities to regulate religious organizations in the manner proposed, have drafted an ordinance so clearly in opposition to those laws. I am further saddened that the elected leaders of Sammamish would allow conjecture and fear to form the basis of our city's policy for those who need our compassion the most. Might I be so bold as to suggest that the City of Sammamish, if we are to pass the ordinances as currently proposed, will find its religious community wholly committed to upholding our constitutionally protected rights. Civil disobedience is but one powerful tool at our disposal and will surely provide us with the attention we'll need to procure the necessary legal services that will be required.

I have loved living in Sammamish since moving here in 1994. I raised my children here and the city's care for public health and safety was important then and remains so now. As a parishioner of Mary, Queen of Peace, I had the privilege of serving Tent City 4 in various ways during their stay with us, and have continued to do so during their subsequent stay in Issaquah. I have seen no evidence whatsoever that the 3 months Tent City 4 has spent within the city limits brought with it a "grave danger to the public health, peace and welfare". I urge this Council to table the proposed ordinances until such time when the necessary data has been retrieved and evaluated, so that you may, in good conscience and care of your standing as policy makers for this community, enact ordinances that are legal,
fair, just and worthy of the citizens of this community.

With deep gratitude for your consideration,

Maria Silvers 
3048 255th Ave SE 
Sammamish WA 98075

Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.